

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-01087

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover and  
John F. Tomasic, Interested parties;  
No pending federal charges)

APPLICATION FOR ENTRY OF DEFAULT BY CLERK

COMES NOW the plaintiff, the United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and does hereby apply to the Clerk of this Honorable Court for an entry of default against KATHERINE ANNE HOOVER and JOHN F. TOMASIC. In support of said application, the United States represents as follows:

1. That a Verified Complaint of Forfeiture was filed by the United States against the defendant property on September 10, 2010, and on the same date, the Clerk of this Court issued a Warrant of Arrest in rem for the arrest of the defendant property pursuant to

Rule G(3)(b)(i), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

2. That after having been served on September 28, 2010 (Docket #5), **KATHERINE ANNE HOOVER** and **JOHN F. TOMASIC** made appearances in this case by filing various documents (Docket #9, 10, 11) which the United States moved to strike for noncompliance with Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. By Order entered December 20, 2010 (Docket #26), the court granted the United States motion to strike and ordered Ms. Hoover and Mr. Tomasic to serve and file with the Clerk his/her respective claim to the defendant property **no later than January 14, 2011**, and to serve and file his/her respective answer to the complaint within 21 days after filing his/her claim, that is, **by February 4, 2011**. (emphasis added). They were further directed to serve copies of each document upon counsel for the government; and

3. That the deadlines imposed by the court for filing their claims and answers have expired and **KATHERINE ANNE HOOVER** and **JOHN F. TOMASIC** have failed to file their respective claims and answers and any filed now would be time-barred.

WHEREFORE, based on the foregoing, the United States respectfully requests that default be entered against would-be claimants **KATHERINE ANNE HOOVER** and **JOHN F. TOMASIC**.

Respectfully submitted,

UNITED STATES OF AMERICA  
By Counsel

R. BOOTH GOODWIN II  
United States Attorney

By: s/Betty A. Pullin  
Betty A. Pullin, WV Bar Number: 5590  
Attorney for the United States  
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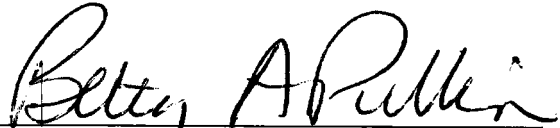
VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

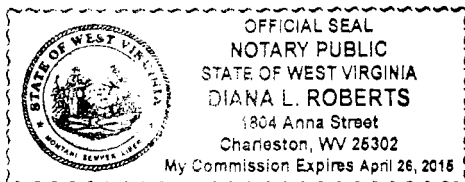
I, BETTY A. PULLIN, Assistant United States Attorney in and for the Southern District of West Virginia, declare that the foregoing "Application for Entry of Default by Clerk" is true and correct to the best of my knowledge and belief, except where stated to be upon information and belief, in which case I believe it to be true.

Executed on February 7, 2011.

  
BETTY A. PULLIN  
Assistant United States Attorney

Taken, subscribed and sworn to before me this 7<sup>th</sup> day of February, 2011.

My commission expires on April 26, 2015.



  
NOTARY PUBLIC

NOTARIAL SEAL